

ORIGINAL

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

**NORFOLK SOUTHERN RAILWAY COMPANY; the
CITY OF MOUNT OLIVE; STAUNTON TOWNSHIP;
and the STATE OF ILLINOIS, DEPARTMENT OF
TRANSPORTATION,**

T03-0041

**Stipulated Agreement regarding improving public
safety at the crossings of the Company's tracks with
public highways known as Third North Street, Main
Street (CH 16), Second South Street, Third South
Street, Poplar Street, and Eighth South Street, all in
the City of Mount Olive, and TR 457 in Staunton
Township, all located in Macoupin County, Illinois,
designated as crossings AAR/DOT 480 074P,
milepost 444.51-WA, AAR/DOT 480 075W, milepost
444.74-WA, AAR/DOT 480 076D, milepost 444.85-WA,
AAR/DOT 480 077K, milepost 444.93-WA, AAR/DOT
480 078S, milepost 445.09-WA, AAR/DOT 480 079Y,
milepost 445.28-WA, and AAR/DOT 480 084V,
milepost 447.13-WA, respectively.**

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SEP 22 2004

**Illinois Commerce Commission
RAIL SAFETY SECTION**

SUPPLEMENTAL PETITION FOR ADDITIONAL TIME

Now comes supplemental petitioner, the City of Mount Olive, by its attorneys, Bertinetti & Cain, and requests that the Illinois Commerce Commission issue a supplemental Order granting the City of Mount Olive additional time, to and including December 4, 2005 in which to complete the work required to be performed by the City of Mount Olive pursuant to the June 4, 2003 Order issued by the Illinois Commerce Commission in the above captioned cause. In support thereof, the City of Mount Olive states as follows:

1. On February 7, 2003, March 5, 2003, March 28, 2003, April 21, 2003, and May 7, 2003, the Staff of the Illinois Commerce Commission (COMMISSION), the Illinois Department of Transportation (DEPARTMENT), Staunton Township (TOWNSHIP), the City of Mount Olive (CITY), and the Norfolk Southern Railway Company (COMPANY), respectively, executed the Stipulated Agreement No. 1033 relating to safety improvements at the locations captioned above.

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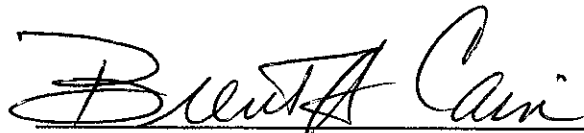
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2. Pursuant to the aforesaid stipulation on June 4, 2003 the Illinois Commerce Commission entered its Order in the above captioned cause authorizing safety improvements at the aforesaid grade crossing locations.
3. Pursuant to the terms of the June 4, 2003 Order, the City of Mount Olive, or their respective contractor crews, was to complete the Third North, Second South, Poplar and Eight Streets approach reconstruction improvements on or before December 4, 2004.
4. Pursuant to the terms of the aforesaid Order, the City of Mount Olive has timely secured the services of the City's consulting engineers (Henry, Meisenheimer & Gende, Inc.) to complete the final plans, specifications and estimates, to obtain required agency approvals, to assist in the advertising and bidding of the project for construction, and to provide resident project representative services during construction.
5. Due to press of business in progressing and completing other engineering design projects, the City's consulting engineers have been and will be unable to complete and obtain final approval for the plans, specifications and estimates; to assist with the advertising and award/execution of the project for construction; and to allow adequate time for construction to occur, at the locations in which the City of Mount Olive is responsible, on or before the December 4, 2004 date as required by the Order of the Illinois Commerce Commission.
6. Failure to complete the aforesaid efforts within the allotted time is not the result of lack of diligence or attention by the City of Mount Olive nor their consulting engineers. The replacement of the warning devices at all the required locations has already been completed by the Norfolk Southern Railway Company, thus the Norfolk Southern Railway Company has not been delayed by the City of Mount Olive.

7. The City of Mount Olive, in communication with their consulting engineers, reasonably believes it can complete the project on or before December 4, 2005 and therefore requests a supplemental Order from the Illinois Commerce Commission granting such additional time. The preparation of pre-final plans, specifications and estimates is complete and the City of Mount Olive expects the final plans, specifications and estimates to be approved by the end of 2004 and the construction contract to be awarded around February, 2005, with construction occurring in Spring/Summer of 2005.
8. The City of Mount Olive's supplemental petition herein is not made for the purpose of delay but rather to obtain such time as is reasonably required to complete all of the work required to be performed by the City of Mount Olive under the terms of the Order entered by the Illinois Commerce Commission in this cause. The City of Mount Olive has made no prior request for an extension of time.

Wherefore, supplemental petitioner, the City of Mount Olive prays that the Illinois Commerce Commission enter a supplemental Order granting the City of Mount Olive additional time, to and including December 4, 2005 in which to complete the safety improvements as provided in the June 4, 2003 Order entered by the Illinois Commerce Commission in the above captioned cause.

CITY OF MOUNT OLIVE



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